

I laid my concerns last Congress when we first considered this issue. Since then, little has been done to address my core concerns. The threat of nuclear weapons to the United States, and the spread of these weapons and the material needed to make them, are among the gravest dangers that our country faces. By passing this legislation, we are weakening, not strengthening the international regime created to monitor and restrict their proliferation. The United States, as a signatory to the Nuclear Non-proliferation Treaty, should be working to strengthen the international treaties and regimes that have been designed to prevent the spread of nuclear weapons. By passing this agreement in its current format we are doing exactly the opposite.

This deal will not only undermine the nonproliferation regime, but it may also indirectly benefit India's weapons program. Two weeks ago, at a Senate Foreign Relations Committee hearing, Secretary Burns acknowledged that there can be no way to guarantee that cooperating with India's civilian energy program will not indirectly benefit its weapons program. And yet despite this frank response, supporters of this bill are determined to rush it through Congress. I am concerned that Pakistan could feel the need to respond to India's enhanced capacity by increasing its own production of nuclear materials, setting off an arms race in South Asia. Besides regional instability, there is another danger to increased Pakistani nuclear stockpiles: the risk that al-Qaida could obtain such weapons. This threat is real and should not be ignored.

In addition to these serious national security concerns, there are legitimate procedural ones. This bill appears not to meet the requirements of the legislation Congress overwhelmingly adopted to authorize the agreement, the Hyde Act. I opposed the Hyde Act because I didn't think it went far enough—now it turns out the administration does not even feel bound by it. To give just one example, the Hyde Act required that any technologies or materials transferred pursuant to this agreement must be maintained under safeguards forever. Indian officials have balked at this requirement and indicated that they would take materials out of safeguards if their fuel supply was interrupted. That means that if India tests a nuclear device and we cut off future trade, India could turn around and use all of the reactors and fuel we have provided for its weapons program, just as it did in 1974. The Bush administration couldn't be troubled to even get a promise from India that it would honor the safeguards and this legislation does nothing to address this problem.

In late August the 45 members of the Nuclear Suppliers Group, NSG, met in Vienna to discuss whether they should overturn 30 years of precedent and open up nuclear trade with India despite the lack of comprehensive safeguards on

India's nuclear facilities. While some NSG members attempted to reduce the negative impact this change will inevitably have on our ability to prevent the spread of sensitive nuclear materials, in the end they were unsuccessful. In the face of the Bush administration's significant pressure for a "clean" exemption, there wasn't much they could do.

This undertaking by the Bush administration is particularly troubling in light of the recent report by the Institute for Science and International Security, ISIS, which indicates that the U.S. Government has not devoted sufficient attention to ensuring that India adequately protects sensitive nuclear and nuclear-related information. If this report is even partially accurate, we should all be gravely concerned. Thanks to our efforts, India is now eligible to buy advanced enrichment and reprocessing technologies. If these technologies are ever leaked, our ability to prevent acts of nuclear terrorism could be greatly diminished.

With everything else going on right now it is clear there has not been adequate time to review the agreement and its supporting documents. Instead, we are ramming this through Congress so we can hand the Bush administration a victory—regardless of the threat it poses to our national security.

Many of my colleagues have said that this agreement will bring India into the mainstream but that appears to be wishful thinking. Why should India sign the Comprehensive Test Ban Treaty or stop producing weapons grade material if it now has access to all the technology and know-how it could need? India can now enjoy almost all the benefits afforded under the NPT, regardless of the fact that it is still not a signatory.

Proponents of nuclear trade argue that because certain Indian facilities will be placed under safeguards, this agreement will inhibit proliferation. This is not true. The purpose of safeguards is to prevent the diversion of nuclear materials to weapons programs. By providing India new reactors and materials, this agreement frees up domestic resources for India's weapons program. Rather than bringing India into the "nuclear mainstream," this deal could enable the expansion of its weapons program.

I am pleased to cosponsor the Dorgan-Bingaman amendment that would ensure that the United States cuts off trade with India in the wake of nuclear tests and that we sanction any other nation that continues such trade. I hope the Senate will adopt it, and I applaud the efforts of my colleagues to improve this bill. I offered an amendment in committee that would have helped close the loophole in the nonproliferation regime created by the NSG exemption, and I was disappointed that this amendment was defeated. However, after careful review, I have come to the conclusion that even if all of these improvements were adopted, this deal would be fatally flawed.

Passing this bill will undermine international nonproliferation standards, potentially encourage a disastrous regional arms race and threaten our country's security. I intend to vote against this agreement and urge my colleagues to do the same.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the legislation approving the United States—India Nuclear Cooperation Agreement.

While I have concerns about this agreement's impact on the nuclear nonproliferation regime and the speed with which it has come to the floor for a vote, I have come to the conclusion that it is in the best interests of the United States and our relationship with India and, with vigorous oversight, will help strengthen our nuclear nonproliferation efforts.

This agreement has wide bipartisan support. The Senate Foreign Relations Committee reported this legislation favorably on a 19-2 vote. Last Saturday, the House approved this agreement by a vote of 298 to 117 and I am hopeful the Senate will follow suit tonight.

While far from perfect, I believe this agreement will mark a first step towards bringing India into the nuclear nonproliferation regime.

For years, India and the United States have failed to take advantage of our shared values of democracy, human rights, and the rule of law in developing a closer partnership.

I am hopeful this agreement will serve as a catalyst for solidifying relations with the world's largest democracy in a critical part of the world and enhance U.S.-India cooperation on a number of pressing issues: global warming, the war on terror, and stability in South Asia.

I do not take this vote lightly. As a U.S. Senator, I have worked hard to stop the development of new nuclear weapons and strengthen our nuclear nonproliferation efforts. I have introduced legislation calling for a strengthened Nuclear Non-proliferation Treaty. I have fought against the research and development of new nuclear weapons like the robust nuclear Earth penetrator and the reliable replacement warhead program. I have secured additional funding to remove vulnerable nuclear materials around the world. I have supported efforts to accelerate Nunn-Lugar threat reduction programs.

Because of my commitment to nuclear nonproliferation efforts, I initially approached plans for a U.S.-India nuclear cooperation agreement with some skepticism: 8 of India's 22 nuclear reactors—including India's fast breeder reactors, which can produce massive amounts of plutonium for nuclear weapon—will be classified for military uses and thus will remain outside of International Atomic Energy Agency safeguards. India will retain the right to designate future nuclear reactors as "military" and not subject to international safeguards. India will continue to manufacture fissile material